

39. The displaceable surface according to claim 36, further comprising an anchor for supporting said springs.

B5
Sub
D 4/1
40. The displaceable surface according to claim 22, wherein said vertical comb drive comprises plurality of cavities and teeth interdigitally mounted with said cavities, said reflective surface being attached to said teeth.

41. The displaceable surface according to claim 40, further comprising a top layer between the teeth and the reflective surface.

29
42. The displaceable surface according to claim 27, further comprising a conductor for individually connecting each tooth of said teeth to a voltage source.

REMARKS

Claims 1-42 are pending in this application.

The Examiner in the above-identified application is respectfully thanked for the courtesy extended in the interview conducted on April 6, 2000, in the parent to the present Continuing Prosecution Application. During the course of this interview, claims 1 and 3 as amended by this response and new claims 21 and 22 as presented by this response were discussed. The Examiner took the position that new claims 21 and 22 would require further search and/or consideration and thus they would not be entered in the parent to the present application. However, as set forth in the Interview Summary Record dated April 6, 2000, paper number 15, the Examiner was of the opinion that these claims patentably defined over the art of record.

It should be noted that the amendments to claims 1 and 3 are presented solely to ensure that these claims will be interpreted consistent with the remarks presented in Applicant's Response dated August 16, 1999. With respect to new claims 21 and 22, these claims are broaden versions of claims 2 and 3, respectively, reflecting the Examiner's position, as expressed in the sentence immediately before the legend "allowable subject matter" on page 3 of the Office Action of February 15, 2000, that the deformable mirror limitations, as set forth in the preamble, had not been given any patentable weight. This was the general substance of the interview conducted on April 6, 2000.

Since the examiner has considered all of the independent claims under rejection to be patentable over the prior art, allowance of all claims is believed appropriate and all outstanding rejections are believed overcome. For all of the above stated reasons, allowance of the present application including all of claims 1,3-5,9, and 42 are respectfully requested.

It should be noted that there are two restrictions and/or election requirements in the parent to the present application. While the Examiner's Restriction Requirement dated February 1, 1999 is likely still applicable, the Examiner's Election Requirement is now moot in view of the allowability of the independent claims. Accordingly, since all claims directed to non-elected species are dependent upon the allowable independent claims, it is respectfully submitted that claims 1-18 and 21-37 should be allowed together in this response.

Should there be any remaining issues outstanding in the present application, the Examiner is invited to contact the undersigned at (703) 205-8000 in Northern Virginia.

If necessary, the Commissioner is hereby authorized in this, concurrent, and further replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or 37 C.F.R. § 1.17, particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By 

Michael K. Mutter

Reg. No. 29,680

P.O. Box 747

Falls Church, VA 22040-0747

(703) 205-8000

2119-107P
MKM/lab/jmj

B